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10/588,248

04/30/2007

Jae-Sun Cha

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EXAMINER

DESIR, PIERRE LOUIS

ART UNIT

PAPER NUMBER

2617

MAIL DATE

DELIVERY MODE

05/10/2011

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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|--|---------------------------------------|-----------------------------------|--|
| <i>Advisory Action Before the Filing of an Appeal Brief</i> | Application No. 10/588,248 | Applicant(s) CHA ET AL. | |
| | Examiner PIERRE-LOUIS DESIR | Art Unit 2617 | |

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 15 April 2011 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
 b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
- (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
 (b) ☐ They raise the issue of new matter (see NOTE below);
 (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
 5. ☐ Applicant's reply has overcome the following rejection(s): _____.
 6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
 7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
 The status of the claim(s) is (or will be) as follows:
 Claim(s) allowed: _____.
 Claim(s) objected to: _____.
 Claim(s) rejected: _____.
 Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
 9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
 10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
Applicants argue that Koo fails to disclose the detection of a drop situation by the subscriber station.

Examiner respectfully disagrees. First, the claim fails to disclose how the drop situation is detected by the subscriber station. As known in the art, a drop situation may be related to signal, communication quality, which may be using S/ measurement. Koo discloses a mobile station that measures S/R. As such, Koo discloses a mobile station that detects a drop situation. Giving the fact that because of that measurement, a ranging request is sent to the base station.

It is illustrated the MSS measures the S/R as applied to the serving base station. Based on the measurement, the MSS send MSSHO-REQ with possible target to the serving BS (see page 9, fig. XXX, example of HO calls flow by MS). Therefore, it is clear that the mobile station detects a change in signal quality. The results of the measurement is the sole reason why the MSS sends the MSSHO-REQ to the serving base station.

Furthermore, applicants argue that Koo fails to provide any disclosure indicating that the ranging request message includes a base station identifier of a previous serving base station.

Examiner respectfully disagrees and maintains the previous analysis as described in the previous Action, where it is disclosed that one skilled in the art would find obvious, in the absence of specific disclosure of what constitutes the serving BS-ID, that there would be some expectation to also include the serving BS-ID since the target base station would need to map the MS-ID with the serving BS-ID to acquire information related to the mobile station so that appropriate services may be rendered to the Mobile station.

Applicants' arguments that it would be redundant in the part of Koo to include such a mapping is not persuasive. As disclosed previously it is known in the art to have base stations communicating with a plurality of mobile stations. And, more than one mobile station at a time may send ranging request to a target base station. The target BS, because of the HO-notification message, acquired MSS unique identifier and the serving BS-ID and required bandwidth and QoS. Therefore, one skilled in the

/PIERRE-LOUIS DESIR/
Primary Examiner, Art Unit 2617

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